

Applicant : Joseph Z. Sleiman
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REMARKS

Applicants respectfully request reconsideration of the above-identified patent application. Claims 1, 3-9, 11 and 17-20 remain in the application. Claims 1, 3, 7, 11 and 18-20 are amended to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 2, 10 and 12-16 remain canceled.

I. Interview

Applicant thanks Examiner Mayes for the courtesies extended to Applicant's attorney during the personal interview on November 29, 2007. During the interview, Applicant's attorney proposed amendments to the independent claims to recite that the projections do not extend completely across the tamping face in any direction. Those amendments are formally presented in this Response. The Examiner stated that the amended claims would be considered.

II. Invention Summary

The present invention is directed to a tamping labeler for applying labels to objects. The tamping labeler is capable of moving from a retracted position to an extended position in order to tamp labels onto products. The tamping labeler has a tamping face that is movable along with the labeler, and includes a base having a plurality of vacuum holes. A plurality of projections project outwardly from the base. The projections are mutually exclusive of the vacuum holes. None of the projections extends completely across the base in any direction or completely surrounds one of the vacuum holes. The projections maintain the label at a stand-off from the base to reduce the surface tension between the label and the tamping face.

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III. Allowable Claims

Applicant thanks Examiner Mayes for the statement that claims 5 and 17 are allowed, and that claims 7-8 would be allowable if amended to overcome the Section 112 rejections and to include all of the limitations of the base claims and any intervening claims. Claim 7 is rewritten into independent form and amended to overcome the Section 112 rejections. Applicant submits that claims 7 and 8 are allowable.

IV. Specification

As previously presented, the Specification was objected to for failing to provide proper antecedent basis for the projections being mutually exclusive of the vacuum holes. Applicant submits that the objection is overcome in view of the amendments made to the Specification.

V. Claim Objections

Applicant submits that the objections to claim 11 are overcome by the amendments filed in this Response. The language that was objected to has been removed from the claim.

VI. Section 112 Rejections

As previously presented, claims 1, 3-4, 6-9, 11 and 18-20 were rejected under 35 U.S.C. 112, second paragraph. In view of the amendments presented herein, Applicants submit that this rejection is overcome. In particular, claim 1 is amended to remove the phrase “having a uniform height,” claim 11 is amended to clarify that the tamping face is on the bellows – as shown in Figs. 1-7, and claims 18-20 are amended to depend from a pending claim.

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VII. Art Rejections

A. Section 102 Rejection Based on Kiyoshi

As previously presented, claims 1, 3, 4, 6 and 9 were rejected under 35 U.S.C. 102 on the basis of Japanese Patent 02-233340 to Kiyoshi. Applicant respectfully traverses this rejection as conceivably applied to amended independent claim 1.

Kiyoshi discloses a device for attaching a bar code label. As shown in Figs 2 and 3, the device includes a chuck (6) with a face having vacuum holes (6b) and a plurality of parallel, triangular shaped projections (6a) that extend completely across the face. The chuck can be provided with a burst of air to transfer a label (2) to a dome shaped transferring device 7.

As discussed during the interview, with respect to amended independent claim 1, Kiyoshi does not disclose a plurality of discrete projections projecting outwardly from the base, wherein none of the projections extends completely across the base in any direction. In contrast, Kiyoshi discloses parallel ridges that extend completely across the label surface. These ridges allow air flow between the ridges in only one direction. In contrast, the projections of the present invention do not extend completely across the tamping face, allowing air to flow over the face in multiple directions to reduce the surface tension between a label and the face.

Because Kiyoshi fails to disclose all of the elements of amended independent claim 1, it is respectfully submitted that the rejection based on Kiyoshi under Section 102 is unfounded and/or overcome, and therefore should be withdrawn.

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B. Section 103 Rejection Based on Constantine in View of Ijiri

As previously presented, claim 11 was rejected under 35 U.S.C. 103 as being unpatentable over PCT Application WO 03/024807 to Constantine in view of U.S. Patent 5,100,491 to Ijiri.

Constantine discloses a tamping labeler with a flat tamping face for holding the labels and tamping them onto articles. Ijiri discloses a labeling apparatus including a die for attaching a label to an article. The apparatus draws a series of labels across the die, and heats them on the die to activate a thermo-sensitive adhesive agent so that the labels attach to flexible items, such as blood bags. The face of the die includes a plurality of vacuum holes. As shown in Fig. 1(f), the label surface may include a grid of rectangular-shaped ridges that protrude from the label surface. Each of the vacuum holes is positioned within one of the rectangular ridges, such that it is completely surrounded by the ridge. The ridges prevent air from being trapped between the face of the die and the label, to enable a tighter, more uniform attachment between the die and the label. Column 5, lines 48-54.

With respect to amended independent claim 11, Applicant submits that Constantine and Ijiri, either alone or in combination, do not disclose a tamping labeler with projections extending from the base of a tamping face that do not completely surround the vacuum holes. Constantine fails to disclose projections, and, as discussed above, Ijiri expressly teaches projections that surround the vacuum holes (or, as shown in Fig. 1(d), that include the vacuum holes).

Applicants further submit that there is no basis for combining Constantine and

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Ijiri. First, Constantine and Ijiri are two completely different types of labelers. There no reason that a person of skill in the art would substitute the irregular surface of Ijiri, a stationary thermal label applicator, into a tamping labeler such as Constantine. In fact, the stated purpose of the raised ridges of Ijiri is to *tighten* the attachment between the label and the label surface, which is essentially the opposite of the present invention, which uses discrete projections to *reduce* the surface tension between the tamping face and the label. In addition, Constantine and Ijiri completely fail to recognize the problems associated with surface tension on tamping labelers that are addressed by the present invention.

Because Constantine and Ijiri fail to disclose every element of amended independent claim 11 and because there is no reason that a person of skill in the art would combine them, it is respectfully submitted that the rejection based on Constantine and Ijiri under Section 103 is unfounded and/or overcome, and therefore should be withdrawn.

C. Dependent Claims

The dependent claims further define Applicant's invention and are therefore even more clearly allowable than the claims discussed above. Claim 3 recites that the projections are arranged such that each hole is at least partially surrounded by at least one of the projections. Claim 4 recites that at least some of the projections are ridges. Claims 6 and 18 recite that at least some of said projections are domes. Claims 9 and 20 recite that the tamping face is textured and the projections result from the texture of the tamping face.

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VIII. Conclusion

In view of the interview, the above amendments, and these remarks, Applicant respectfully submits that the present application is in condition for allowance. A notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

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